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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

BERNADINE GRIFFITH, PATRICIA
SHIH; RHONDA IRVIN; JACOB
WATTERS, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

TIKTOK, INC, a corporation;
BYTEDANCE, INC., a corporation,

Defendants.

CASE NO. 5:23-cv-00964-SB-E

DISCOVERY MATTER

**DECLARATION OF
CHRISTOPHER J. LEE IN
SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL
PRODUCTION OF CURRENT AND
HISTORICAL SOURCE CODE**

Magistrate Judge: Hon. Charles Eick

Date: April 19, 2024

Time: 9:30 AM

Place: Ctrm. 750

Action Filed: May 26, 2023

Trial Date: November 25, 2024

1 **DECLARATION OF CHRISTOPHER J. LEE**

2 I, Christopher J. Lee, declare as follows:

3 1. I am an active member of the Bar of the State of California and an
4 Associate with Bird, Marella, Rhow, Lincenberg, Drooks & Nessim, LLP, attorneys
5 of record for Plaintiffs. I make this declaration in support of Plaintiffs' Motion to
6 Compel. Except for those matters stated on information and belief, I make this
7 declaration based upon personal knowledge and, if called upon to do so, I could and
8 would so testify.

9 2. On November 7, 2023, Plaintiffs emailed Defendants to address certain
10 deficiencies regarding their production of source code, including the absence of
11 historical code. Defendants responded that they would not produce historical code,
12 based on objections of overbreadth and undue burden. A true and accurate copy of
13 the relevant email chain is attached herein as **Exhibit A**.

14 3. The parties conducted an initial telephonic meet-and-confer on
15 Defendants' responses to Plaintiffs' fourth set of RFPs on January 17, 2024. On
16 February 12, 2024, Defendants followed up by email, claiming that they had
17 "confirmed there is not a source code used to process, store, and/or use" the relevant
18 data, other than "the code that runs the entirety of TikTok's platform." Defendants
19 stated that they would refuse to produce any portion of that code, on relevance
20 grounds. Plaintiffs replied on February 20, 2024, proposing certain compromises. A
21 true and accurate copy of the relevant email chain is attached herein as **Exhibit B**.
22 Through subsequent meet-and-confer, Plaintiffs agreed that the dispute regarding
23 RFP No. 83 would be subject to Plaintiffs' proposed compromise as well.

24 4. On March 8, 2023 – over two weeks after Plaintiffs made their
25 compromise proposal – Defendants responded that they were still "investigating
26 source code we can provide aside from the code that undergirds the TikTok platform"
27 and "assess[ing] whether it is permissible or feasible to grant Plaintiffs direct access
28 to TikTok's highly sensitive and proprietary systems." In the same email, Defendants

1 represented that they would “do [their] best to provide [Plaintiffs] with [their] findings
2 next week.” A true and accurate copy of the relevant email chain is attached herein as
3 **Exhibit C**.

4 4. On March 15, Defendants responded with more delay tactics rather than
5 agreeing to finally produce the relevant source code or agreeing to the proposed
6 compromise solutions. A true and accurate copy of the relevant email chain is attached
7 herein as **Exhibit D**.

8 5. A true and accurate copy of Defendants’ amended responses to Plaintiffs’
9 Special Interrogatories, Set One, is attached herein as **Exhibit E**.

10 6. A true and accurate copy of the transcript of the March 15, 2024 hearing
11 before Magistrate Judge Eick is attached herein as **Exhibit F**.

12 7. As of March 21, 2024, 127 documents produced by Defendants [REDACTED]
13 [REDACTED]
14 [REDACTED] See, e.g., **Exhibit G** (TIKTOK-BG-000035879, at -880)
15 (designated ATTORNEYS’ EYES ONLY) (referencing a [REDACTED]
16 [REDACTED] **Exhibit H**
17 (TIKTOK-BG-000008776, at -779 (designated CONFIDENTIAL) (referencing a
18 [REDACTED])

19 8. Based on my research, GitLab “provides a central server that manages
20 Git repositories and is used to simplify the administration tasks of many corporations
21 worldwide.”¹ And “Git is a DevOps tool used for *source code management*.”²

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct, and that I executed this declaration on
24

25 ¹ <https://www.simplilearn.com/tutorials/git-tutorial/what-is-gitlab> (last accessed
26 March 21, 2024).

27 ² <https://www.simplilearn.com/tutorials/git-tutorial/git-tutorial-for-beginner> (last
28 accessed March 21, 2024) (emphasis added).

1 March 21, 2024, at Los Angeles, California.

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Christopher J. Lee